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H.B. No. 5414 (RAISED) AN ACT CONCERNING PROTECTIONS FOR PERSONS RECEIVING AND PROVIDING
REPRODUCTIVE HEALTH CARE SERVICES IN THE STATE.

Judiciary Committee
Monday, March 21, 2022 | 10:00 am

The Connecticut Catholic Public Affairs Conference, which represents the Bishops of the dioceses of Hartford, Norwich, and Bridgeport and the Eparchy of Stamford, opposes H.B. 5414, "An Act Concerning Protections for Persons Receiving and Providing Reproductive Health Care Services in the State."

On its face, H.B. 5414 violates Article IV, Section 1 of the United States Constitution, the Full Faith and Credit Clause, which addresses the duties that states within the United States have to respect the "public acts, records, and judicial proceedings of every other state." The Full Faith and Credit Clause prohibits collateral attacks on out-of-state judgments. Yet, H.B. 5414, in direct defiance and circumvention of this rule, provides a cause of action that is a collateral attack on out-of-state judgments.

While proponents of the bill would argue that collateral attacks are allowed when the underlying judgment violated a defendant's due process, state proceedings can:

"merely satisfy the minimum procedural requirements of the Due Process Clause in order to qualify for the full faith and credit guaranteed by federal law. Section 1738 does not allow federal courts to employ their own rules of res judicata in determining the effect of state judgments, but rather goes beyond the common law and commands a federal court to accept the rules chosen by the State from which the judgment is taken" *Kremer v. Chemical Constr. Corp.*, 456 U.S. 461 (1982) at 462.

This bill is an attempt to wage warfare between states. Instead, defendants in the original actions should pursue their own constitutional due process defenses and claims directly.